

## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC., a Delaware corporation,

Case No. C 06 2361 WHA (JCS)

Plaintiff,

v.

**JOINT STIPULATION AND  
[PROPOSED] ORDER OF  
DISMISSAL WITH PREJUDICE**BLOCKBUSTER INC., a Delaware  
corporation,

Defendant.

AND RELATED COUNTERCLAIMS

**JOINT STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH  
PREJUDICE**

Come now Plaintiff Netflix, Inc. ("Netflix") and Defendant Blockbuster, Inc. ("Blockbuster" (collectively "the Parties")) file this Joint Stipulation of Dismissal with Prejudice. The Parties have agreed to mutually acceptable resolution of the issues in this case. Thus, Netflix and Blockbuster, by and through their respective counsel, hereby stipulate to the dismissal of the above-styled action pursuant to Federal Rule of Civil Procedure 41(a)(1), thereby dismissing this action with prejudice in its entirety. Each party shall bear its own costs and attorneys' fees.

The Parties stipulate that this Court shall retain jurisdiction over the Settlement Agreement between them as the exclusive venue for resolution of any dispute(s) arising out of or related to such agreement.

1 SO STIPULATED.

2 Dated: June 25, 2007

3  
4 By: Mary T. Huser /sp

5 BINGHAM McCUTCHEN LLP  
6 Mary T. Huser (SBN 136051)  
7 Three Embarcadero Center  
8 San Francisco, CA 94111-4067  
9 Telephone: (415) 393-2000  
10 Facsimile: (415) 393-2286

11 Attorneys for Defendant and Counterclaimant,  
12 BLOCKBUSTER INC.

13  
14 Dated: June \_\_, 2007

15 By: \_\_\_\_\_

16 KEKER & VAN NEST LLP  
17 Daralyn J. Durie (SBN 169825)  
18 710 Sansome Street  
19 San Francisco, CA 94111-1704  
20 Telephone: (415) 391-5400  
21 Facsimile: (415) 397-7188

22 Attorneys for Plaintiff and Counterdefendant,  
23 NETFLIX, INC.

24 ORDER OF DISMISSAL

25 AS STIPULATED BY THE PARTIES, IT IS SO ORDERED

26 DATED: \_\_\_\_\_, 2007.

27 \_\_\_\_\_  
28 Honorable William H. Alsup  
United States District Judge

1 SO STIPULATED.

2 Dated: June 25, 2007

3  
4 By: \_\_\_\_\_

5 BINGHAM McCUTCHEN LLP  
6 Mary T. Huser (SBN 136051)  
7 Three Embarcadero Center  
8 San Francisco, CA 94111-4067  
9 Telephone: (415) 393-2000  
10 Facsimile: (415) 393-2286

11 Attorneys for Defendant and Counterclaimant,  
12 BLOCKBUSTER INC.

13  
14 Dated: June 25, 2007

15 By:  \_\_\_\_\_

16 KEKER & VAN NEST LLP  
17 Daralyn J. Durie (SBN 169825)  
18 710 Sansome Street  
19 San Francisco, CA 94111-1704  
20 Telephone: (415) 391-5400  
21 Facsimile: (415) 397-7188

22 Attorneys for Plaintiff and Counterdefendant,  
23 NETFLIX, INC.

24 ORDER OF DISMISSAL

25 AS STIPULATED BY THE PARTIES, IT IS SO ORDERED

26 DATED: \_\_\_\_\_, 2007.

27 \_\_\_\_\_  
28 Honorable William H. Alsup  
United States District Judge